IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

CRL.A.No. 793 of 2002()

CC.419/1999 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

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APPELLANT: COMPLAINANT

JOJO FINANCIERS, VADAKKEPARAMBIL HOUSE
KARIKODE, THODUPUZHA, REP. BY ITS
MANAGING PARTNER, V.M. JOSEPH.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS: ACCUSED & STATE

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1. P.B. BAHULEAYAN, HEALTH INSPECTOR
K.P. COLONY, MUNIYERUMA P.O.,
NEDUGANDAM, IDUKKI DIST.

2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.793 of 2002

Dated this the 17th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent. It is submitted that the complainant was laid up on that particular date of posting of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 15.10.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl